

**United States District Court**

For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FREAR S. SCHMID,

No. C-12-3899-DMR

Plaintiff,

**CASE MANAGEMENT AND PRETRIAL  
ORDER FOR COURT TRIAL**

v.

CITY AND COUNTY OF SAN FRANCISCO,

Defendant.

1. TRIAL DATE

a. Court trial shall begin on 5/13/2013 at 9:00 a.m. at the U.S. District Court, 1301 Clay Street, Oakland, California. For courtroom number and floor information, please check the Court's on-line calendar at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) one week prior to trial, or call Ivy Garcia (Judge Ryu's Courtroom Deputy) at (510) 637-3639.

b. The length of the trial will be not more than 2 days. The Court may shorten the allotted time as it deems appropriate, and may also allocate a fixed number of hours for each side. Court hours for trial normally are 9:00 a.m. to 3:00 p.m., subject to the Court's availability.

2. DISCOVERY AND EXPERT DISCLOSURES

- a. All non-expert discovery shall be completed by 1/31/2013.
- b. Experts shall be disclosed and reports provided by 1/31/2013.
- c. Rebuttal experts shall be disclosed and reports provided by 2/14/2013.

1 d. All discovery from experts shall be completed by 2/28/2013.

2 3. **MOTIONS**

3 The last day for **hearing** dispositive motions shall be 2/28/2013 at **11:00 a.m.**

4 4. **ALTERNATIVE DISPUTE RESOLUTION**

5 The parties are ordered to participate in Early Neutral Evaluation through the Northern  
6 District ADR program, which shall be completed **by no later than 1/21/2013**.

7 5. **PRETRIAL CONFERENCE**

8 a. A pretrial conference shall be held on 5/1/2013 at 3:00 p.m. **Lead counsel who will**  
9 **try the case (or the party if *pro se*) must attend.**

10 b. 4/2/2013, **thirty (30) days** prior to the date of the pretrial conference, lead counsel  
11 shall meet and confer regarding:

- 12 (1) Preparation and content of the joint pretrial conference statement;  
13 (2) Preparation and exchange of pretrial materials to be served and lodged  
14 pursuant to paragraph 5(c) below; and  
15 (3) Settlement of the action.

16 c. 4/12/2013, **twenty (20) days** prior to the pretrial conference, counsel and/or parties  
17 shall:

- 18 (1) Serve and file a joint pretrial statement that includes the pretrial disclosures  
19 required by Federal Rule of Civil Procedure 26(a)(3) as well as the following  
20 supplemental information:

21 (a) *The Action.*

22 (i) **Substance of the Action.** A brief description of the substance  
23 of claims and defenses which remain to be decided.

24 (ii) **Relief Prayed.** A detailed statement of all the relief claimed,  
25 particularly itemizing all elements of damages claimed as well  
26 as witnesses, documents or other evidentiary material to be  
27 presented concerning the amount of those damages.

28 (b) *The Factual Basis of the Action.*



interrogatory answers, or from responses to requests for admission.

(e) *Trial Alternatives and Options.*

- (i) **Settlement Discussion.** A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.
  - (ii) **Amendments, Dismissals.** A statement of requested or proposed amendments to pleadings or dismissals of parties, claims or defenses.
  - (iii) **Bifurcation, Separate Trial of Issues.** A statement of whether bifurcation or a separate trial of specific issues is feasible and desired.

(f) *Miscellaneous.*

Any other subjects relevant to the trial of the action or material to its just, speedy and inexpensive determination.

- (2) Serve and file trial briefs, motions in limine (including any motion regarding the qualifications or testimony of any expert witness) and joint proposed findings of fact and conclusions of law. The findings of fact shall set forth in simple, declarative sentences, separately numbered, all factual contentions relied upon by the party in support of its claims for relief and shall be free of pejorative language and argument. Counsel shall submit separately their disputed findings of fact and conclusions of law. Counsel shall email a copy of their proposed findings of fact and conclusions of law in a standard word processing format (and not .pdf format) to dmrpo@cand.uscourts.gov.
  - (3) Serve and file an exhibit setting forth the qualifications and experience for each expert witness;

- 1                             (4)     Serve and file a list of each party's exhibits by number (plaintiff) or letter  
2                             (defendant), including a brief statement describing the substance and purpose  
3                             of each exhibit and the name of the sponsoring witness;  
4                             (5)     Exchange exhibits which shall be premarked (plaintiff shall use numbers;  
5                             defendant shall use letters) and tabbed; and  
6                             (6)     Deliver two sets of all prepared exhibits to chambers (exhibits are not to be  
7                             filed).

8                             No party shall be permitted to call any witness or offer any exhibit in its case in chief that is  
9                             not disclosed in its pretrial statement without leave of the Court and for good cause.

10                         d.     4/22/2013, ten (10) days prior to the pretrial conference, after meeting and  
11                             conferring in a good faith attempt to resolve and objections, counsel and/or parties shall serve and  
12                             file: (1) any objections to exhibits or to use of deposition excerpts or other discovery; (2) any  
13                             objections to witnesses, including the qualifications of an expert; (3) any opposition to a motion in  
14                             limine.

15                         e.     All motions in limine and objections shall be heard at the pretrial conference.

16                         6.     All documents filed with the Clerk of the Court shall list the civil case number followed only  
17                             by the initials "DMR." One copy must be clearly marked as a chambers copy. Chambers' copies  
18                             shall be three-hole punched at the left side, suitable for insertion into standard binders.

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20                         Dated: 10/24/2013



21                         DONNA M. RYU  
22                             United States Magistrate Judge  
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